

**Plaintiff
Jackie Fisher's**

**Response in Opposition
to Defendants'**

**Motion for
Summary
Judgment**

EXHIBIT

1

14 "I was the only Black Nurse Manager under Watson's supervision in the local 14
15 units.

16 "In August of 2003, Watson expressed to me concerns he had about an African
17 American Assistant Nurse Manager, Ms. Kelly.

18 "Three months later Watson directed me to prepare a Corrective Action Plan
19 and write up for Kelly. Yet, Watson would support me in writing up white employees
20 who needed disciplinary action.

21 "In May of 2005, African American employee Hagan requested a transfer to my
22 unit and Watson denied the transfer citing current disciplinary violation for attendance,
23 yet white employees with written disciplinaries were permitted to transfer on request.

24 "In August of 2005, Watson shuffled the Cluster Nurse Managers around and I
25 was transferred to the Estelle Regional Medical Facility (ERMF). When I was
26 transferred to ERMF morale was already a problem, staffing was low and agency nurses had
27 already been utilized, and high needs pay had been offered to encourage employment.

28 "Most of the Nurse Managers were administratively reassigned, except for
29 Kim Roddey, white, for whom Watson excused not moving because she was "new,"
30 even though she had been hired as Cluster Nurse Manager about the same time I had
31 been hired in 2003.

32 "Sometime during the week of October 24, 2005, Watson confronted me
33 directly and asked if I thought he was prejudiced. It really took me back and I thought
34 the comment was totally inappropriate, but it made me wonder why he would ask such
35 a question.

36 "I replied that some of his decisions were discriminatory and that he was biased
37 in the exercise of authority. I also added that he focused on the person instead of the
38 problem.

39 "During applicant interviews on January 4, 2006, Watson proposed rehiring
40 Nurse Ford, white, at the request of Nurse Manager Wright, white.

41 "After the 1/04/06 incident concerning Ms. Ford, Mr. Watson requested during
42 January 2006 that I be demoted.

43 "I was quite vocal about the disparate treatment Watson showed between black
44 and white employees and reminded Watson that he had refused a requested transfer to
45 Nurse Freeman, black, purportedly for the same reasons that previously led to Ford's
46 departure.

47 "On January 9, 2006, Watson sent a e-mail to the Estelle RMF Building, High
48 Security and SAFF nursing staffs informing them that Mary Gotcher, Director of
49 Nursing, Northern Region, would be at the Estelle's RMF on January 17, 2006 and
50 January 18, 2006 to hear opinions, concerns and ideas, while I was not available.

51 "He requested and arranged the meetings for anyone who wished to participate. The
52 meetings were held by Ms. Gotcher and Ms. Melton with the intent to provide disgruntled
53 staff an opportunity to sabotage me.

54 "Watson even stated he was attempting to build evidence to support his intent to
55 demote.

56 "The invitation included the entire Estelle Complex. The Building Nursing Group
57 works under a Caucasian Nurse Manager (Ms. Bonds), but Ms. Bond's employees were not
58 summoned or interviewed. Nor did they even go to the building where Ms. Bonds and her
59 staff worked to interview her staff .

60 "Ms. Gotcher and Ms. Melton, Northern Division Human Resource Director met only
61 with the staff at the Estelle Regional Medical Facility (ERMF), whom had been encourage by
62 Watson to participate and had previously complained to him. ERMF was only one of the
63 three facilities that I supervised.

64 "Some of the employees even reported to me they felt attacked in efforts to support
65 my administration during their interviews.

66 "One of the employees (Mr. Aguilera. ANM) was summoned in front of witnesses and
67 interviewed by Ms. Gotcher, even though he had already spoken to Watson behind my back.

68 "Ms. Gotcher and Ms. Melton failed to interview any of the other staff in the
69 Huntsville Cluster as the nursing vacancy and turnover rates against the Caucasian Nurse
70 Mangers in comparison were approximately the same and were even higher in some months.

71 "There are disgruntled employees with racial allegations and staff complaints
72 throughout the Huntsville (HV) Cluster in which Mr. Watson, Ms. Gotcher and Ms. Rader,
73 HV Human Resource Administrator is very aware but those complaints against the Caucasian
74 Nurse Managers have gone without interviewing their staff and/or assistance from Ms.
75 Gotcher or Ms. Melton.

76 "During January 2006, and prior to the staff at the ERMF being interviewed, two of
77 the Caucasian Nurse Manager's vacancy and turnover rates resulted in staffing levels much
78 more critical than mine, but went without the humiliation, demotion or attention from Mr.
79 Watson and/or the Northern District Director of Nursing, Ms. Gotcher and Human Resource
80 Director, Ms. Melton.

81 "According to the findings from UTMB's own investigation, there were no facts to
82 support Mr. Watson's request for my demotion.

83 "I requested a meeting with Ms. Gotcher and Ms. Melton to express my concerning
84 relating to my working conditions surrounding the poor and unfair treatment I received from
85 Mr. Watson.

86 "After complaining about Mr. Watson and raising discrimination issues, he presented
87 me with a poor evaluation on 3/13/06.

88 "According to HR policy evaluations are given bi-annually in June and December

89 each year. The 3/13/06 evaluation I received was due in December 2005.

90 "When the evaluation was presented, I expressed my concern to Mr. Watson and Ms.
91 Box again that I felt a lack of trust and support from Mr. Watson to manage the Unit, which
92 seemed to empower the employees who did not want to work under my administration an
93 demands.

94 "Despite my complaints against Mr. Watson and my efforts to rectify the situation
95 through the proper chain of HR Director (Ms. Melton), his behavior worsened.

96 "Without further means of resolution, I filed two internal grievances on the basis of
97 retaliation, harassment and a hostile work environment.

98 "During my almost six years of employment with UTMB, I had never filed a
99 formal grievance or appeal of any matter, prior to April 10, 2006.

100 "Although Watson cited incidents as far back as 2003, none of the issues he
101 cited had been the subject of prior disciplinary action.

102 "On 4/11/2006, I received from Mr. Watson a notice of intent to demote.

103 "On 4/24/2006, I submitted my written response to Mr. Watson's intended demotion to
104 Nurse Clinician.

105 "In May, 2006, I received a letter advising that I was demoted to an Assistant Nurse
106 Manger (ANM) and not to a Nurse Clinician III as stated in Mr. Watson's 4/11/2006 letter.

107 "After careful review, Mr. Watson notified me that I was being demoted to position of
108 ANM rather than to Nurse Clinician as initially stated. (The position of ANM is a higher level
109 position.)

110 "I was replaced by Nurse McCartney, white, in the interim. I was then replaced by
111 Judy Upshaw, white who was awarded my Nurse Manager position over the Estelle REF after
112 I was demoted.

113 "The demotion was an act of retaliation and discrimination.

114 "I feel that I have been subjected to different terms and conditions than those enjoyed
115 by similar situated Caucasian Nurse Managers.

116 "During the meeting that I requested, Ms. Gotcher pointed out that six to eight
117 employees made complaints, but there was no written documentation.

118 "Rebuttals and comments were made on my behalf. There was no factual evidence
119 presented.

120 "Despite the expectations identified by Ms. Gotcher in the meeting around 3/08/06
121 meeting, Mr. Watson continued to solicit and allow staff to circumvent the chain of command
122 and did not communicate with me at all.

123 "In comparison, he did not allow staff to circumvent the chain of command when he
124 received complaints against the similar situated white Nurse Managers.

125 "Mr. Watson's involvement caused a great lack of cohesiveness among the staff and
126 myself on the Unit level.

127 "Mr. Watson, as well as Ms. Gotcher, has made it known that staff does not
128 voluntarily come to him, Mr. Watson calls for them. He solicited their comments when it
129 came to me.

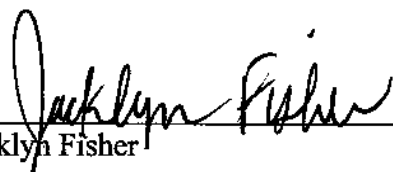
130 "Although I had planned to come back to work early from FMLA leave, because
131 of the demotion and reassignment, I then chose not to do so and took the remaining
132 FMLA leave to which I was entitled and did not return to work until June 21, 2006.

133 "Roddey left her employment with UTMB in August of 2006 and was not
134 replaced, so I then functioned as the Nurse Manager while still being paid and titled as
135 Assistant Nurse Manager.

136 "Prior to my opposition of to Watson's discriminatory practices, my performance was
137 not an issue.

"I swear under penalty of perjury that the foregoing is true and correct."

Dated: December 14, 2009.



Jacklyn Fisher